

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

BRENT LOOK,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 3:11CV210
)	
BRASFIELD & GORRIE, L.L.C.,)	
)	
Defendant.)	

RULE 26(a)(2)(B) DISCLOSURES

Pursuant to Rule 26 and Paragraph 3(b) of the June 2, 2011 Scheduling and Pretrial Order for Consent Cases (Document 7), Brasfield & Gorrie, L.L.C., by counsel, hereby files its Rule 26(a)(2)(B) Disclosure of Barbara K. Byers and Lawrence F. Cohen, M.D.

Dated: September 30, 2011

BRASFIELD & GORRIE, L.L.C.

/s/ Mark C. Nanavati
Mark C. Nanavati, Esquire
Virginia State Bar No. 38709
Michael A. Montgomery, Esquire
Virginia State Bar No. 40297
Attorneys for Brasfield & Gorrie, L.L.C.
Sinnott Nuckols & Logan, P.C.
13811 Village Mill Drive
Midlothian, Virginia 23114
(804) 378-7600 – Telephone
(804) 378-2610 – Facsimile
mnnavati@snllaw.com
mmontgomery@snllaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing *Defendant's 26(a)(2)(B) Disclosure* was electronically filed with the Clerk of Court using the CM/ECF system on this 30th day of September, 2011, which will then send a notification of such filing to the following:

K. Ruppert Beirne, Esquire
MGM Law
1802 Bayberry Court, Suite 200
Richmond, Virginia 23226
beirne@mgm-law.com

/s/ Mark C. Nanavati

Mark C. Nanavati, Esquire
Virginia State Bar No. 38709
Michael A. Montgomery, Esquire
Virginia State Bar No. 40297
Attorneys for Brasfield & Gorrie, L.L.C.
Sinnott Nuckols & Logan, P.C.
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Midlothian, Virginia 23114
(804) 378-7600 – Telephone
(804) 378-2610 – Facsimile
mnanavati@snllaw.com
mmontgomery@snllaw.com

Atlantic Vocational Services I N C O R P O R A T E D



VOCATIONAL EVALUATION REPORT

September 28, 2011

To: Michael Montgomery
Sinnott Nuckols & Logan PC
13811 Village Mill Drive
Midlothian, Virginia 23114

Re: Brent Look v. Brasfield & Gorrie LLC
Date of Injury: 1/26/2009
Civil Action No.: 3:11CV210
AVS#: DLS 5612
Status: Evaluation

INTRODUCTION

Brent Look was referred to Atlantic Vocational Services, Inc. by Sinnott Nuckols & Logan PC for a vocational evaluation and analysis of his wage earning capacity. In completing this report, I reviewed records from the following sources:

- David S. Geckle, MD
- Virginia Workers' Compensation Commission
- John W. Verhuel, MD
- Johnston Willis Medical Center
- Hitcsh K. Patel, MD
- CJW Comprehensive Outpatient Therapy
- Peter Duke Crane, MD
- ACAC Medical Fitness Specialists
- Chippenham Johnston Willis Hospital employment records
- Deposition transcript of David S. Geckle, MD
- Deposition transcript of Brent Look
- Look tax returns 2004-2010
- Healthy Changes Counseling
- Broughton and Associates
- Deposition transcript of Gray Broughton
- Complaint
- Plaintiff's Answers to Interrogatories
- Plaintiff's Expert Designations
-

I used standard vocational references including the *Dictionary of Occupational Titles*, *Occupational Outlook Handbook*, and information from the U.S. Department of Labor, Bureau of Labor Statistics.

I was not allowed to meet with Mr. Look in completing this evaluation.

VOCATIONAL EVALUATION REPORT
September 28, 2011

Brent Look
PAGE 2 OF 4

PHYSICAL/MEDICAL BACKGROUND

Mr. Look reported an injury to his back on January 26, 2009 when he slipped and fell while working as a medical dosimetrist at Chippenham Johnston Willis Medical Center. He was initially treated with physical therapy and epidural steroid injections. Dr. Geckle, a neurosurgeon, performed surgery in April 2009 and returned Mr. Look to part time work on April 29, 2009 with 10 pounds lifting and minimal bending. On June 15, 2009, Mr. Look was released to full time work with no lifting over 25 pounds. Mr. Look continued to work within these restrictions as a dosimetrist until October 2009 when he underwent another surgery that included a fusion. He was released to work after this surgery on February 18, 2010 and returned to work as a database manager working part time until October 2010. In October 2010, when on an outing with his son's Cub Scout troop, he fell and injured his back on a rock. He continued to receive treatment and worked four hours a day until February 2011. At that point, Dr. Geckle took him out of work and on March 2, 2011 stated that Mr. Look was at MMI and "is permanently disabled." Dr. Geckle did not indicate any restrictions on Mr. Look's activities.

Mr. Look had a previous back surgery in 2001 and was out of work from January to September 2001.

SOCIAL/EDUCATIONAL BACKGROUND

Brent Look is a 46 year old man who is married and has five children. His wife works as a registered nurse. He received a bachelor's degree in 1994 from the Medical College of Virginia in clinical radiation sciences. Mr. Look is a licensed and certified radiologic technician.

Mr. Look attended Rutger's University from 1983 to 1986 but did not complete his degree in electrical engineering. He enjoys volunteering as a Cub Scout leader.

WORK HISTORY

From 1992 to March 2011, Mr. Look worked at Johnston Willis Hospital as a medical dosimetry therapist. He administered radiation therapy treatments to patients, verified prescribed treatment doses, fields to be treated and angles to be used; maintained contact with the patient during treatment; charted treatments; and checked treatment records for accuracy. While on light duty, Mr. Look worked as a database administrator. He was working four hours per day in this job until February 2011.

From 1994 to 1998, Mr. Look worked as a radiographer and computed tomographer for Columbia Johnston Willis Hospital/Chippenham Medical Center. His responsibilities included general radiography, fluoroscopy, digital radiography and computed tomography.

VOCATIONAL EVALUATION REPORT
September 28, 2011

Brent Look
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In 1999, Mr. Look worked as an ITS team member at Fauquier Hospital, designing, developing and implementing a medical information system. He trained users and offered troubleshooting for the information system.

According to Mr. Broughton's report, Mr. Look also worked from 1989 to 1992 at the Portsmouth Naval Shipyard as a nuclear test engineer; in 1989 as a service engineer for National ICEE Corporation; and from 1987 to 1989 as a self-employed video repair person.

WORK RESTRICTIONS

After his fusion surgery in October 2009, Mr. Look was able to return to sedentary work as a database administrator, four hours per day until February 2011 when Dr. Geckle asked him to quit work. There is no clear indication as to what objective indicators caused this change in his work status. Dr. Geckle did not order any type of functional evaluation nor did he indicate what Mr. Look's physical capacity is currently.

VOCATIONAL ASSETS

Brent Look is a 46 year old college graduate with an excellent work history and skills in several vocational areas. He is a skilled and experienced radiologic technician. He has skills in customer and personal service, medical procedures and monitoring operations. He also is skilled in computer software use, data base management and information technology.

REHABILITATION PLAN

When Mr. Look is able to return to sedentary employment, he would benefit from vocational counseling to assist him in identifying appropriate vocational options and obtaining work. He would be an excellent candidate to continue his work in data base management, especially in the medical field.

ACCESS TO THE LABOR MARKET

During his career, Mr. Look has had access to and has performed jobs in the light and sedentary physical demand level. Although his current physical capacity has not been objectively identified, it is anticipated that he will be limited to work in the sedentary physical demand level, with loss of access to jobs in the light physical demand level.

PLACEABILITY

Mr. Look is a highly skilled college graduate with excellent transferable skills. His ability to obtain employment should be excellent once his physical capacities are identified.

VOCATIONAL EVALUATION REPORT
September 28, 2011

Brent Look
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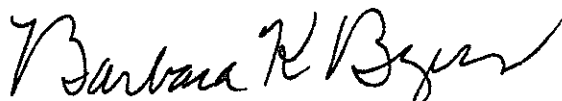
EARNING CAPACITY

Preinjury, Mr. Look's highest earnings as a medical dosimetrist was \$70,000 in 2008, his last full year of employment in that profession. In my opinion, this represents his preinjury earning capacity. Postinjury, his ability to work in a part time sedentary job as a data base manager or administrator would provide him with an earning capacity of \$36.00 per hour in the Richmond labor market according to the U.S. Bureau of Labor Statistics. This equates to \$37,440 per year based on 20 hours per week of work.

LABOR FORCE PARTICIPATION

According to the Social Security Administration, Mr. Look will be eligible for full social security retirement benefits at age 67, giving him 21 years of remaining work life.

I reserve the right to amend this report if information is provided to me that changes my vocational opinions. If there are questions regarding this report, please call.



Barbara K. Byers, MA, CRC, CCM, LPC
Certified Rehabilitation Counselor
Licensed Professional Counselor (Virginia & NC)
Certified Vocational Evaluator

BARBARA K. BYERS

P.O. Box 1256
PORTSMOUTH, VIRGINIA 23705
757-399-0900

BarbaraByers@AtlanticVocationalServices.com

EDUCATION

1975	<u>Master of Arts in Rehabilitation Counseling</u> University of Alabama
1973	<u>Bachelor of Science in Psychology</u> University of Alabama
1987 – 1991	<u>Graduate Psychology Courses</u> (12 semester hours) Old Dominion University

PROFESSIONAL LICENSURE AND CERTIFICATIONS

- ◆ Licensed Professional Counselor #1904 (April 1993 to present)
Commonwealth of Virginia
Department of Health Professions
Board of Professional Counselors
- ◆ Licensed Professional Counselor #1040 (July 1995 to present)
State of North Carolina
North Carolina Board of Licensed Professional Counselors
Raleigh, North Carolina
- ◆ Certified Rehabilitation Counselor #2362 (1982 to present)
Commission on Rehabilitation Counselor Certification
- ◆ Certified Vocational Evaluation Specialist #2362 (1983 to present)
Commission on Certification of Work Adjustment and Vocational Evaluation
Specialists
- ◆ Certified Rehabilitation Counselor #05-06 (1983 to present)
U.S. Department of Labor
Office of Workers Compensation Programs
- ◆ Certified Case Manager #2362 (November 1993 to present)
Commission for Case Management Certification
- ◆ Certified Rehabilitation Provider #185 (September 1994 to present)
Commonwealth of Virginia, Department of Health Professions

PROFESSIONAL EXPERIENCE

January 1989
to
Present

Certified Rehabilitation Counselor
President
Atlantic Vocational Services, Inc.
Portsmouth, Virginia

Duties include:

- Provision of case management and vocational rehabilitation counseling services to injured workers including job placement
- Provision of vocational evaluation and testing services
- Evaluation of wage earning capacity and vocational expert testimony
- Personnel management and administrative duties

October 1997
To
Present

Vocational Expert
Social Security Administration
Office of Disability Adjudication and Review

Duties include:

- Provision of expert vocational testimony in Administrative Law Judge hearings for the Social Security Administration

1993-1998
and
October 2000
To present

Impartial Hearing Officer
Commonwealth of Virginia
Department of Rehabilitative Services

Duties include:

Conducting hearings to resolve differing positions between consumers and agency counselors regarding services. Recording the fair hearing proceeding and issuing a written report containing the decision and grounds for the decision.

August 1988
to
December 1988

Certified Rehabilitation Counselor
Self-Employed
Portsmouth, Rhode Island

Duties included:

- Provision of vocational rehabilitation services to injured workers referred by the Department of Labor, Office of Workers Compensation Programs, Boston, Massachusetts. Services include vocational counseling, job development, and job placement.

September 1987
to
July 1988

Director of Clinical Services
Comprehensive Medical Rehabilitation Center
Chesapeake, Virginia

Duties included:

- Supervision of an interdisciplinary clinical treatment team providing comprehensive rehabilitation services to injured persons. Personnel management including staff recruitment, hiring, orientation and employee reviews
- Budget planning and projection
- Program development and expansion including coordinating the start up of a head injury treatment program
- Supervision of quality service delivery to clinic clients
- Documentation and reporting of treatment results
- Liaison between referring physicians, rehabilitation counselors and nurses, employers and the treatment team
- Provision of vocational counseling, testing and evaluation services to injured persons
- Provision of case management services to Department of Labor referrals

October 1986
to
September 1987

Rehabilitation Coordinator
Comprehensive Medical Rehabilitation Center
Chesapeake, Virginia

Coordination of all vocational rehabilitation services for each Center client including:

- Initial vocational assessment of new clients
- Development of a vocational rehabilitation plan
- Liaison between clients, employers and vocational rehabilitation agencies
- Development and supervision of work hardening programs and job seeking skills classes
- Administration, scoring and interpretation of vocational and psychometric tests and work samples, including computerized testing
- Job analysis and job description development
- Coordination of job placement follow-up services
- Case management services including job analysis and job modification; vocational counseling and exploration; job placement; medical management; labor market surveys
- Vocational expert testimony

January 1986
to
September 1986

Rehabilitation Consultant
OccuSystems, Inc.
Chesapeake, Virginia

As a part-time Rehabilitation Consultant, I provided vocational rehabilitation services to workers' compensation recipients, including medical management, vocational counseling, job analysis and job placement.

1982
to
1984

Vocational Consultant
Crawford Rehabilitation Services, Inc.
Norfolk, Virginia

As a vocational consultant, I worked with industrially injured persons, providing services designed to assist them in returning to employment. Services included vocational testing and evaluation, job analysis, job modification, vocational and motivational counseling, job placement, labor market surveys, vocational expert testimony and job seeking skills training.

1980
to
1982

Vocational Evaluator
South Carolina Vocational Rehabilitation
Department
Columbia, South Carolina

As a Vocational Evaluator at a drug and alcohol treatment center, I administered and interpreted psychometric and vocational tests to assist clients in determining job placement goals. I was a member of a treatment team, which determined the course of rehabilitation for residents of the center. I also coordinated personal, social adjustment, and job skills training classes.

1976
to
1980

Vocational Evaluator
South Carolina Vocational Rehabilitation Department
Aiken, South Carolina

As the Senior Evaluator at the CETA Assessment Center, I was responsible for budget projection, administration, and coordination of services to clients referred by the State Employment Commission. I was in charge of psychometric and vocational evaluation of CETA participants and chaired an inter-agency committee, which determined training and placement goals for clients. I also trained evaluators from across the state in the use of the JEVS Work Sample System.

1975
to
1976

Rehabilitation Counselor
South Carolina Vocational Rehabilitation Department
Aiken, South Carolina

I developed a Family Court Project caseload and developed special services for the rehabilitation of emotionally disturbed youth referred by the Aiken County Family Court. Duties included counseling, evaluation, personal and social adjustment services and job placement resulting in treatment recommendations to the Court.

PROFESSIONAL ASSOCIATION MEMBERSHIPS

- ◆ Executive Board Member, Virginia Association of Rehabilitation Professionals
Treasurer 1994 to 2000, 2003 to 2011
President Elect May 2000
Virginia Rehabilitation Professional of the Year 2000
President May 2001-May 2002
- ◆ International Association of Rehabilitation Professionals
Chair Elect Forensic Section Board 2011 to present
Co-Chair Forensic Section Board 2009 to 2010
Forensic Section Executive Board Member 2010 to present
Standards Compliance Review Board 2000-2004, 2010 to present

COMMUNITY SERVICE

- ◆ Chesapeake Community Services Board
1995 to 2001 Executive Board Member
1/99 to 12/00 Chairman of the Board
- ◆ Goodwill Industries of Hampton Roads, Inc.
Executive Board Member
October 2001 to January 2006
- ◆ Portsmouth Museums and Fine Arts Commission
Commissioner April 2003 to October 2008
Secretary 2004-2005 and 2006-2007
Vice Chairman 2005-2006

**Testimony List of
Barbara K. Byers, MA, CRC, CVE, CCM, LPC, CRP
Atlantic Vocational Services, Inc.**

CASE	ATTORNEY	DATE OF TESTIMONY	CASE NUMBER
Rose M. Barker v. William Lee Hopper and Orion Associates, Inc.	Todd M. Gaynor	2/14/2007	L05-2340
Mann v. Mann	Cheshire l'Anson Eveleigh	2/22/2007	
John R. Wilson v. NPBL and Ford Motor Co.	James L. Chapman	6/7/2007	05-451
Smith v. Smith	Mark S. Smith	7/25/2007	CH04-1580
Ford v. Ford	Peter V. Chiusano	7/26/2007	CL06-3173
Facundo Alvarez v. Kevin M. Burrell and Qwest Communications Corporation	Robert B. Rigney	8/1/2007	CL-006-13194
Allen W. Hodges v. Pompei Tile Company	Jonathan A. George	10/4/2007	2005-LHC-01147
Suchita Mehta v. Valley Crane and Rigging	Roya P. Ewing	11/14/2007	CL07-128
Janet M. Fordham v. U.S. Marine Corps	James M. Mesnard	11/30/2007	2007-LHC-01404
Lewis Garnett v. Associated Naval Architects	F. Nash Bilisoly	12/20/2007	VWC 232-07-01
Benham v. Benham	Jennifer E. Damelio	2/14/2008	CL06-401
James Abbott v. Newport News Shipbuilding	Jonathan H. Walker	3/19/2008	2008-LHC-00160
Tina Nartowicz v.	Brian Sykes	5/5/2008	VWC
Nancy J. Darrow v. Navy Exchange Service Command/Crawford & Co. and Director, Office of Workers' Compensation Programs	R. John Barrett	5/16/2008	2008-LHC-609
Jerome Young v. Department of Army	James M. Mesnard	5/28/2008	2008-LHC-00529
Kenneth Cross v. Cooper T. Smith	Donna White Kearney	6/10/2008	5-119398 (OWCP#)
James Bowen v. Weeks Marine	Shawn Voyles	7/30/2008	CL05 2834
Dennis Byrd v. BAE Systems Norfolk Ship Repair	Robert A. Rapaport	8/4/2008	VWC 232 70 06
Bilford Griffin v. BAE Systems Norfolk Ship Repair	Gerard E.W. Voyer	9/4/2008	2008-LHC-00848
Jeffrey A. Crawford v. Elizabeth Tynch	Andrew A. Protogyrou	10/13/2008	CL07-404
Donald A. Spruill v. City of Norfolk et al.	Glen A. Huff	12/17/08	2:06cv588
King v. King	Cheshire l'Anson Eveleigh	12/23/08	CL08-711-01
Cunningham v. Cunningham	Henry Schwan	3/20/2009	CL06-63
Mercedes Mena v. Department of the Navy	James Mesnard	4/18/2009	2008-LHC-02136
Doreen P. Tupper v D'Wayne S. Tupper	Allan D. D. Cahill	5/19/2009	CL07-1079
Linda Jones v Navy Exchange and Navy Exchanges Service Command	James Mesnard	7/13/2009	2009-LHC-00273
Randolph Young v Newport News Shipbuilding and Dry Dock Company	Jonathan H. Walker	10/14/09	2009-LHC-00731
Cheryl L. Howlett v Franklin Lee Howlett	Cheshire l'Anson Eveleigh	10/15/09	CH04-601
David E. Sheeley v MV Transportation, Inc. and William J. Little	Jeffrey F. Brooke	10/22/10	CL09-1544
Emi (Yasuno) Morris v Tyshiwon Lazar Morris	Mark S. Smith	11/09/09	CL08-4744
Janet Fordham v Marine Corps Community Services	James. M Mesnard	11/18/2009	2007-LHC-01404
Cheryl L. Howlett v Franklin Lee Howlett	Cheshire l'Anson Eveleigh	6/24/2010	CH04-601
Susan Rappaport v Leonard Rappaport	Peter Chiusano	7/29/2010	CL09-4740
Kim Geissinger v Richard Geissinger	Barry Randolph Koch	11/18/10	CL09-5479
Mariam Salib v Victor Salib	Greg Larsen	12/2/10	CL09-4739
Barbara Brynjelsen v Jacob Brynjelsen	Jill Roseland Harris	12/09/10	CL09-2726
John Doe v Maersk Line Limited	Steven Stancliff	12/13/10	CL09-0576

**Testimony List of
Barbara K. Byers, MA, CRC, CVE, CCM, LPC, CRP
Atlantic Vocational Services, Inc.**

William Walker v Laurie Walker	Jay Leftwich	3/11/11	CL10-456
Tony Edward Savage v County of Stafford, VA et al	Jeff W. Rosen	4/19/11	1:09cv1328
Edward Wos v Amstar Corp.	Mary Widner	6/23/2011	OWCP 04-039345
Michael L. Chavis v Best Buy	John McGavin	7/28/2011	08-00853-PT

Atlantic Vocational Services I N C O R P O R A T E D



SERVICES FEE SCHEDULE

Vocational Expert Services

A. Assessment/Consultation

<i>Professional Time</i>	<i>\$160.00 per hour \$185.00 per hour for referrals less than 45 days before expert disclosure</i>
<i>Travel Time</i>	<i>\$160.00 per hour</i>
<i>Retainer Fee</i>	<i>\$250.00 per case</i>
<i>Non-professional Time</i>	<i>\$90.00 per hour</i>
<i>Mileage</i>	<i>\$0.50 per mile</i>
<i>Miscellaneous (Telephone, Air Fare, etc.)</i>	<i>At Cost</i>

B. Deposition/Trial Testimony

<i>Appearance at trial or deposition</i>	<i>\$600.00 up to first 2 hours, \$185.00 per hour (or any part of an hour) thereafter</i>
<i>Travel Time</i>	<i>\$185.00 per hour</i>
<i>Mileage</i>	<i>\$0.50 per mile</i>
<i>Miscellaneous (Telephone, Air Fare, etc.)</i>	<i>At Cost</i>
<i>Cancellation policy:</i>	<i>Trials or depositions cancelled less than 48 hours in advance of the reserved trial date will be billed \$600.00</i>

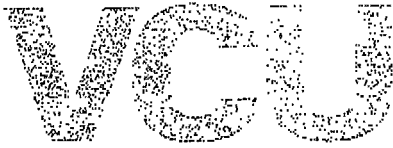
C. New Accounts

<i>Advance Payment</i>	<i>\$2000.00 (\$250.00 non-refundable retainer)</i>
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D. Photocopies

<i>First 50 pages</i>	<i>\$0.50 per page</i>
<i>After 50 pages</i>	<i>\$0.25 per page</i>
<i>\$10.00 Handling Fee</i>	

Billed monthly and payable upon receipt. After thirty (30) days, the unpaid balance will be subject to a late payment charge on the unpaid balance of 1.5% per month.



MCV Campus

V i r g i n i a C o m m o n w e a l t h U n i v e r s i t y

Medical Center

In the tradition of the Medical College of Virginia

Department of Orthopaedic Surgery

West Hospital, 9th Floor, East Wing
1200 East Broad Street
P.O. Box 980153
Richmond, Virginia 23298-0153

804 827-1245
Fax: 804 828-1086
TDD: 1-800-828-1120
lcohen3@mcvh-vcu.edu

September 29, 2001

Mark Nanavati
Sinnott Nuckols & Logan, PC
13811 Village Mill Drive
Midlothian, Va 23114

Lawrence F. Cohen, MD
Associate Professor
Spine Surgery

Re: Look, Brent
DOB: 4/7/1965

Dear Nanavati,

This is in reference to your letter concerning the case Brent Look v. Brasfield and Gorrie. I had the opportunity to re-read multiple times the patient's chart, as well as the deposition by Dr. Geckle.

It is my opinion that after the fall on January 26, 2009, when the patient slipped and fell, he then started having back and left leg pain. Previously, in 2001, he had a lumbar laminectomy and did very well from this. He was having periodic episodes of pain and recurrent traumas previous to his fall in 2009. After his fall in 2009 he started having lower back pain going down his left leg again. The MRI just showed a mild protrusion and epidural fibrosis. Because the patient's symptoms started at this time, we have to associate this fall to his back and leg pain, and the subsequent surgery he had, which was a microdiscectomy and decompression at L4-5 on the left side.

It is my opinion that this injury is responsible for the patient's treatment of microdiscectomy, his epidural steroid injections leading up to that and his post-operative care until about three months after his surgery. After that the patient was doing well. In reading through the notes he started working extra hours and had a recurrence of his problem which subsequently ended up with another decompression with a fusion. The

Page 2

Look, Brent

patient also went on a fishing trip and fell which caused severe pain in his back and legs. All of these are not related to the slip and fall that he had on January 26, 2009. This patient already had a previously diseased disk at L4-5 and this was the source of the patient's disability. From the slip and fall that he had, in my opinion, the patient has reached maximum medical improvement approximately 3 months after his surgery. My opinion is that the treatment he had after 3 months is not related to his fall on January 26, 2009.

Examination of this patient at this stage would not change any of my opinions. Lumbar degenerative disk disease is a progressive disease and since he started having this before 2001 and he has had a previous laminectomy, the natural history will be this will continue to deteriorate.

As far as the report on the rule 26 disclosure, my qualifications include board certification in Orthopaedic Surgery. I've had three previous spine surgery fellowships and am currently a full time faculty member at the Medical College of Virginia as an Associate Professor in Orthopaedic Surgery/Spine Surgery. As far as the compensation so far, I was paid \$1,000 to review the patient's chart and meeting with the defense attorney. The list of the last couple of cases that I have either testified on or reviewed charts that were not my patient are as follows:

Juliette Davis v. Morris Marshall

Kathy Hake v. Sarah E. Ficklin

Kathleen R. Knoll v. Robert James Warne & Sun Trust Bank

Jimmy L. Barksdale

Walter Davis v. Jimmy Wayne Brown

If there are any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'L Cohen', with a stylized flourish at the end.

Lawrence F. Cohen, M.D.

MATERIALS REVIEWED AND RELIED ON BY DR. COHEN:

Medical Records from ACAC
Medical Records from Advanced Orthopaedics
Medical Records from Commonwealth Anesthesia
Medical Records from Commonwealth Lab Consultants
Medical Records from Family Practice Associates
Medical Records from Healthy Changes Counseling Associates
Medical Records from Johnston Willis Hospital
Medical Records from Neurosurgical Associates
Medical Records from Radiology Associates of Richmond
Medical Records from Virginia Workers' Compensation
Medical Records Cronology/Outline
Medical Deposition of Dr. Geckle
Medical Plaintiff's Discovery Responses
Medical Brent Look Employment Records
Medical CJW Accident Investigation Form
Complaint

EXHIBITS

- I. July 27, 2009 Note from Dr. Geckle
- II. October 11, 2010 Note from Dr. Geckle

NEUROSURGICAL ASSOCIATES, P.C.
10710 Midlothian Trpk, Suite 138, Richmond, VA 23235
(804) 330-4990 Fax (804) 330-4529

Patient Name: BRENT L LOOK

Patient ID: 21495

Patient Address: [REDACTED] RICHMOND VA 23236

Date of Birth: [REDACTED] SSN: [REDACTED]

Date of Service: 07/27/2009

NEUROSURGICAL ASSOCIATES, P.C.
10710 Midlothian Trpk, Suite 138, Richmond, VA 23235
(804) 330-4990 Fax (804) 330-4529

Patient Name: BRENT L LOOK

Patient ID: 21495

Patient Address: [REDACTED] RICHMOND VA 23236

Date of Birth: [REDACTED] SSN: [REDACTED]

Date of Service: 07/27/2009

SUBJECTIVE: Mr. Look returns for urgent followup. He has had a sudden recurrence of radicular symptoms again. He was doing great at his last visit after his laminectomy, discectomy, and reexploration at L4-L5. He is now nearly four months out from the surgery. He had gone back to full work and about three weeks ago ended up being the primary technologist and having to work a lot of extra hours. He does not recall any sudden event that started things up, but by the end of the week he was having increasing back pain again. The pain has become progressively more radicular with the symptoms going down the posterolateral left leg again primarily sharp pain to the knee with numbness and tingling from the knee down into the foot. He gets a stabbing and burning sensation through the foot itself on the left hand side. He is having symptoms on the right side as well that he has never had before. These are generally fleeting, but similar. We gave him a Medrol Dosepak which he said really only helped very minimally. He has taken a couple of days off of work as well to rest and still is not getting any better, if anything, it is still worsening. He is having a difficult time ambulating and bearing weight on the left leg is causing a lot of discomfort. He has no bowel or bladder issues with this.

PHYSICAL EXAMINATION:

GENERAL:

BACK:

He has some mild tenderness at the lumbosacral junction. Some moderate tenderness into the left paraspinous musculature and the left sciatic notch. Straight leg raise on the left is positive.

NEUROLOGICAL:

MOTOR EXAM:

He is somewhat tentative on the left side given pain, but does not appear to have any clear focal motor deficit. There is normal muscle tone and bulk. I do not see any fasciculations.

DEEP TENDON REFLEXES: Deep tendon reflexes are symmetrically depressed.

GAIT/STATION: Gait is quite antalgic.

ASSESSMENT/PLAN: Recurrent lumbar radiculopathy after laminectomy and discectomy for recurrent disc herniation. The patient has had a sudden deterioration. Medical things do not seem to be working dramatically at this point. We will try him on some Lyrica. I gave some 50 mg samples to take three times a day. We will see if we can get him set up for an MRI scan of the lumbar spine with and without contrast and see if we are dealing with a new disc issue.

DAVID S. GECKLE, M.D., FACS

DSG/brv.JV

cc: John Verheul, M.D.

Fax: (804) 323-9383

Transcription

Office Note

LOOK, BRENT L

Dictated on: 10/11/2010

OFFICE VISIT: 10/11/2010

CHIEF COMPLAINT/SUBJECTIVE. Mr. Look returns for ongoing followup. He has chronic lumbar radiculopathy after a lumbar fusion. He has had more difficulties since his last visit. Over the weekend, he was fishing with his son's cub scout troop. He slipped on a wet rock. His legs went out from under him and he landed on his buttocks. He feels very bruised and sore since then. He has a lot of back pain particularly in the left paraspinous musculature and a lot of leg discomfort. He is not having any bowel or bladder issues. He continues to work with Dr. Crane in regard to his chronic pain management. He has been placed on a fentanyl patch, which was primarily controlling his pain up until this more recent fall.

PHYSICAL EXAMINATION.

GENERAL.

BACK. He has a lot of back discomfort particularly in the left paraspinous musculature.

NEUROLOGICAL:

MOTOR EXAM. He has decent strength in the legs. There is normal muscle tone and bulk. I do not see any fasciculations.

DEEP TENDON REFLEXES. Deep tendon reflexes remain absent.

GAIT/STATION. Gait is moderately antalgic.

ASSESSMENT/PLAN. Back pain after a fall in a patient with chronic lumbar radiculopathy after multiple back surgeries and lumbar fusion.

Mr. Look has had a turn for the worse associated with the new traumatic episode. We will get some x-rays to make sure nothing is broken or loose. I am going to take him off of work for this week. We will put him on Medrol Dosepak and see how he does.

DAVID S. GECKLE, M.D., FACS

DSG/tib JV

cc P. Duke Crane, MD - Fax: (804) 267-6825

Comments:

Curriculum Vitae

Lawrence Franklin Cohen, M.D.

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Richmond, VA 23238-6441

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Education:

8/72-6/76 Adelphi University, Garden City, New York
Degree: Bachelor of Science Major: Biology

8/77-6/81 State University of New York-Downstate Medical Center, Brooklyn, New York
Degree: Doctor of Medicine

Post-Doctoral Training:

7/81-6/82 Medical College of Virginia-Virginia Commonwealth University, Richmond,
Virginia
Internship, General Surgery

7/82-6/83 Medical College of Virginia-Virginia Commonwealth University, Richmond,
Virginia
Residency, General Surgery

7/83-6/86 State University of New York-Downstate Medical Center, Brooklyn, New York
Residency, Orthopaedic Surgery

7/86-6/87 University of Rochester Medical Center-Strong Memorial Hospital, Rochester,
New York
Louis A. Goldstein Fellowship in Spine Surgery

9/88-12/88 Abbott-Northwestern Hospital, Minneapolis, Minnesota
Fellowship in Advanced Spinal Therapy and Surgery

2/92-1/93 The Graduate Hospital-University of Pennsylvania, Philadelphia, Pennsylvania
Fellowship in Spine Surgery and Minimal Intervention Spine Surgery

6/24-26/04 Squaw Peak Surgery Center, Phoenix, Arizona
Preceptorship in Endoscopic Spine Surgery

3/31-4/1/05 The Center for Spine Arthroplasty at the Endo-Surgery Institute, Cincinnati, Ohio
Charite Artificial Disc Comprehensive Training Program

Positions Held:

7/86-6/87	Instructor, Department of Orthopaedic Surgery, University of Rochester, Rochester, New York
8/87-8/88	Instructor, Department of Orthopaedic Surgery, Wayne State University School of Medicine, Detroit, Michigan Orthopaedic surgery staff physician, Detroit Receiving Hospital, Children's Hospital of Michigan, Harper-Grace Hospitals, Detroit, Michigan
1/89-9/90	Director of Orthopaedic Surgery, Institute for Low Back Care, Richmond, Virginia Orthopaedic surgery staff physician, Stuart Circle Hospital, Richmond, Virginia
9/90-9/91	Orthopaedic surgeon, Orthopaedic Associates of Virginia, Norfolk, Virginia Orthopaedic surgery staff physician, Sentara Norfolk General Hospital, Sentara Leigh Hospital, Children's Hospital of King's Daughters, Norfolk, Virginia
8/93-3/00	Orthopaedic spine surgeon and Partner, Danville Orthopedic Clinic, Inc., Danville, Virginia Orthopaedic surgery staff physician, Danville Regional Medical Center, Danville, Virginia
3/00-10/07	Orthopaedic spine surgeon and Partner, Piedmont Center for Spinal Disorders of Virginia, P.C., Danville, Virginia Orthopaedic spine surgery staff physician, Danville Regional Medical Center, Danville, Virginia
3/07-9/07	Associate Clinical Professor, Department of Orthopaedic Surgery, School of Medicine, Virginia Commonwealth University, Richmond, Virginia
10/07-Present	Orthopaedic spine surgeon, Medical College of Virginia Department of Orthopaedic Surgery, Richmond, Virginia Associate Professor, Department of Orthopaedic Surgery, School of Medicine, Virginia Commonwealth University, Richmond, Virginia

Certifications/Licensure:

1982	Diplomate of National Board of Examiners
1989-Present	State of Virginia, License # 0101042894 (Active)
7/12/91	Board Certified, American Board of Orthopaedic Surgery
1/1/02	Recertified until 12-31-2011, American Board of Orthopaedic Surgery

Professional Memberships:

1993-Present	Fellow, North American Spine Society
1993-Present	Fellow, American Academy of Orthopaedic Surgeons
1993-Present	Member, Medical Society of Virginia

2007-Present	Member, American College of Spine Surgery
2007-Present	Member, Virginia Orthopedic Society
2009-Present	Member, Richmond Academy of Medicine

Publications, Peer Reviewed:

Chan, DPK, Ngian, KS, Cohen, LF. Posterior upper cervical fusion in rheumatoid arthritis. Spine. 1992;17(3):268-272.

Kambin, P, Cohen, LF. Arthroscopic microdiscectomy versus nucleotomy techniques. Clinics in Sports Medicine. 1993; 12(3): 587-98.

Kambin, P, Cohen, L, Brooks, MI, Schaffer, JL. Development of degenerative spondylosis of the lumbar spine after partial discectomy: comparison of laminotomy, discectomy and posterolateral discectomy. Spine. 1994; 20: 599-607.

Professional Presentations:

Cohen, LF. Analysis of Operative Successes, Failures and Complications in 100 patients Treated by Arthroscopic Microdiscectomy. Scientific poster presentation at the American Academy of Orthopaedic Surgeons Annual Meeting. February 1992, Philadelphia, PA.

Cohen, LF. Comparative Incidence of Degenerative Spondylosis of the Lumbar Spine following Partial Discectomy: Laminectomy and Discectomy vs. Posterolateral Discectomy. North American Spine Society Annual Meeting. July 1992, Boston, MA.

Cohen, LF. Arthroscopic Microdiscectomy: Inclusion and Exclusion Criteria. Arthroscopic Microdiscectomy Workshop. July 1992, Philadelphia, PA.

Cohen, LF. Spinal Trauma and Disc Disease. Graduate Hospital Resident's Conference. August 1992, Philadelphia, PA.

Cohen, LF. Lower Back Pain: Etiology, Workup and Treatment. Lehigh Valley Sports Medicine. September 1992, Bethlehem, PA.

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 Legal Fee Summary

****Requires Pre-payment****

1150	Deposition	\$1200 per hour- 1 hour minimum
1155	Deposition in our office	\$1200 less than 3 bus days
	Canceled by attorney	\$750 3 business days
		No charge 4 or more days
99075	Court appearance or depo away from our office	\$5000 per hour including travel time
		\$1200 per hour
1105	Court appearance	\$5000 less than 3 bus days
	Canceled	\$250 3 business days
		No charge 4 or more days
1140	Attorney Report	\$250
1095	Attorney Tele Consult	\$250 minimum (15 Minutes)
9924521	IME	\$250> Made to: Department of Orthopeadics
	Review of Records for IME	\$500> Made to: Dr.Cohen (Fees may vary)
	Two separate checks	
9924522	IME cancellation or no show on day of appt	\$750
1085	Attorney Conference	\$250 (15 minutes)
990801	Records Review	\$500 (Fees may vary)
	Report	\$250
	Review of X-rays	\$150
99080	Special Reports, Insurance forms, etc.	\$5 per page plus review time